

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ELMAGIN CAPITAL LLC,

Plaintiff,

v.

**CHAO CHEN;
KARL PETTY;
ENTERGRID LLC;
ENTERGRID FUND I LLC**

Defendants.

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**CIVIL ACTION NO.:
2:20-cv-02576-TJS**

**PLAINTIFF ELMAGIN CAPITAL, LLC’S
MOTION IN LIMINE TO EXCLUDE PORTIONS OF THE OPINION AND
TESTIMONY OF DEFENDANTS’ EXPERT DR. MARIA GARIBOTTI**

Plaintiff, Elmagin Capital, LLC (“Plaintiff” or “Elmagin”), through its undersigned counsel, moves the Court for an Order excluding the opinion and supporting testimony of Defendants’ expert Dr. Maria Garibotti relating to:

- (a) Sections V, VI, and VII of The Rebuttal Report of Dr. Maria Garibotti, dated April 16, 2021; and
- (b) Testimony based on those Sections V, VI, and VII that opine on:
 - a. The test used by Dr. Stephen Craig Pirrong for comparison and analysis of the parties’ FTR trading strategies;
 - b. Dr. Pirrong’s interpretation and reliance upon bid analysis information of the parties; and
 - c. Legal conclusions concerning the economic value of either party’s strategies; and

(c) Testimony as to the structure, operation, or mechanisms of financial transmission rights or markets therefor, as being beyond the expertise of Dr. Garibotti.

The basis for this Motion *in Limine* is set forth in the accompanying Plaintiff Elmagin Capital, LLC's Memorandum of Law in Support of its Motion *in Limine* to Exclude the Opinion of Defendants' Expert Dr. Maria Garibotti.

Respectfully submitted,

CAESAR RIVISE, PC

By: /s/ Douglas Panzer
Douglas Panzer (PA Bar ID 203354)
Manny Pokotilow (PA Bar ID 13310)
Allison White (PA Bar ID 329108)
Caesar Rivise, P.C.
1635 Market Street, 12th Floor
Philadelphia, PA 19103
Tel: (215) 567-2010
dpanzer@crbcp.com
mpokotilow@crbcp.com
awhite@crbcp.com
Attorneys for Plaintiff,
Elmagin Capital, LLC

Dated: October 15, 2021

CERTIFICATE OF SERVICE

I hereby certify that on October 15, 2021, a copy of the foregoing - Plaintiff Elmagin Capital, LLC's Motion *in Limine* to Exclude Portions of the Opinion and Testimony of Defendants' Expert Dr. Maria Garibotti, Memorandum in Support, including exhibits thereto, and Proposed Order were served on the below listed Attorneys for Defendants via the Court's ECF system:

Nicole D. Galli
Charles P. Goodwin

ND Galli Law LLC
One Liberty Place
1650 Market Street
Suite 3600, #00250
Philadelphia, PA19103
ndgalli@ndgallilaw.com
cgoodwin@ndgallilaw.com

Attorneys for Defendants

/s/ Douglas Panzer
Douglas Panzer (PA Bar ID: 203354)